

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 727 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

AHMED HUSSAIN ABDUL REHMAN CHANDNIWALA

Versus

STATE OF GUJARAT

Appearance:

MR JV JAPEE for Petitioner
PUBLIC PROSECUTOR for Respondent No. 1
NANAVATI ASSOCIATES for Respondent No. 2

CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 08/09/98

ORAL JUDGEMENT

Heard Learned Advocate Mr.J.V.Japee for the petitioner, Mr.Chudgar for respondent no.2, Learned APP Mr.M.A.Patel for respondent no.1 State.

2. By consent the petition is taken up for final hearing. That the petitioner has claimed temporary custody of the truck seized by the department of respondent no.2 on the allegations that minor forest produce was being illegally transported through the said truck bearing registration no/GJ-3-3519.

3. Learned Advocate, Mr.Chudgar appearing for respondent no.2 has stated at the Bar that respondent

no.2 has no objection in giving the custody of the said truck under Section 14 (3) of the Act. However, the department has apprehension that once the custody of the truck is given the parties do not cooperate for the completion of the pending proceedings and as such the inquiry which is pending would remain pending for non-cooperation.

4. Mr.J.V.Japee has stated at the Bar that the petitioner is a reputed businessmen having regular business at Himmatnagar and the petitioner has no concern so far as alleged seizure of minor forest produce is concerned. The petitioner is only interested in the return of the truck as his business depends on the same. The petitioner is amenable to any condition as prescribed under Section 14(3) or imposed by the Court.

5. In the facts and circumstances of the case, the respondent no.2 is directed to return the actual custody of truck bearing GJ-3-T-3519 to the petitioner on execution of a bond for a value of Rs.3,00,000/- and filing of an undertaking in this court on or before 15.9.98 that the petitioner and/or his employee shall cooperate in the proceedings of the pending complaint of the subject seizure of minor forest produce. The respondent no.2 shall return the truck within a period of 1 week from the date of receipt of the certified copy of this order. Inquiry to be expedited. Rule is made absolute accordingly.
